

Amendment No. 1 to HB3841

**Winningham
Signature of Sponsor**

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Comm. Amdt. _____

AMEND Senate Bill No. 3945

House Bill No. 3841*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, is amended by adding Sections 2 through 13 of this act as a new, appropriately designated part.

SECTION 2. The act shall be known and may be cited as the "Read to Achieve Act of 2006".

SECTION 3. The general assembly finds and declares that reading proficiency is a gateway skill necessary for all Tennessee students to achieve the academic goals required for full participation in today's society.

SECTION 4. It is the legislative intent of this act that every elementary school shall:

- (1) Provide a comprehensive reading program;
- (2) Provide diagnostic reading assessments and intervention services for those students who need them to learn to read at the proficient level; and
- (3) Ensure quality instruction by highly trained teachers.

SECTION 5. As used in this part, unless the context otherwise requires:

(1) "Comprehensive reading program" means a program that emphasizes the essential components of reading including phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read;

(2) "Reading diagnostic assessment" means an assessment that identifies a struggling reader and measures the reader's skills against established performance levels in the essential components of reading. The purpose is to screen for areas that require intervention in order for the student to learn to read proficiently;

(3) "Reading intervention program" means short-term intensive instruction in the essential skills necessary to read proficiently that is provided to a student by a highly

trained teacher. This instruction may be conducted one-on-one or in small groups, shall be research-based, reliable, and replicable, and shall be based on the ongoing assessment of individual student needs; and

(4) "Reliable, replicable research" means objective, valid scientific studies that:

(A) Include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;

(B) Rely on measurements that meet established standards of reliability and validity;

(C) Test competing theories, where multiple theories exist;

(D) Are subjected to peer review before their results are published; and

(E) Discover effective strategies for improving reading skills.

SECTION 6.

(a) There is created in the state treasury a fund to be known as the "reading diagnostic and intervention fund". Moneys deposited in the fund shall be invested for the benefit of the fund pursuant to §9-4-603. Moneys in the fund shall not revert to the general fund of the state, but shall remain available to be used by the department of education exclusively for the purposes of this act.

(b) The fund is created to help teachers improve reading skills of struggling readers in the elementary grades. The department of education, upon recommendation of the Tennessee council for literacy established under Section 12 of this act, shall provide renewable, two-year grants to schools to support teachers in the implementation of reliable, replicable research-based reading intervention programs that use a balance of diagnostic tools, and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read, to address the diverse learning needs of those students reading at low levels.

SECTION 7. The state board of education shall promulgate rules and regulations based on recommendations from the Tennessee council for literacy established under Section 12 of this act to:

- (1) Identify eligible grant applicants, taking into consideration how the grant program described in this part will relate to other grant programs;
- (2) Specify the criteria for acceptable diagnostic assessments and intervention programs;
- (3) Specify the criteria for acceptable ongoing assessment of each child to determine his or her reading progress;
- (4) Establish the minimum evaluation process for an annual review of each grant recipient's program and progress;
- (5) Identify the annual data that must be provided from grant recipients;
- (6) Define the application review and approval process;
- (7) Establish matching requirements deemed necessary;
- (8) Define the professional development and continuing education requirements for teachers, administrators, and staff of grant recipients;
- (9) Establish the conditions for renewal of a two-year grant; and
- (10) Specify other conditions necessary to implement the purposes of this part.

SECTION 8. The department of education shall administer the grant program. The department shall require that a grant applicant provide assurances that the following principles shall be met, if the applicant's request for funding is approved:

- (1) A research-based comprehensive reading program shall be available;
- (2) Intervention services shall supplement, not replace, regular classroom instruction;
- (3) Intervention services shall be provided to struggling elementary school readers based upon ongoing assessment of their needs; and
- (4) A system for informing parents of struggling readers of the available family literacy services within the district shall be established.

SECTION 9. In order to qualify for funding of a grant under this part, an LEA shall allocate matching funds required by grant recipients under Section 7 of this act. Funding for professional development appropriated to the LEA for a school applying for a grant may be used as part of the school's match.

SECTION 10. The department of education shall make available to schools:

(1) Information concerning successful, research-based comprehensive reading programs, diagnostic tools for pre- and post-assessment, and intervention programs, from the literacy development centers created under Section 13 of this act;

(2) Strategies for successfully implementing early reading programs, including professional development support and the identification of funding sources; and

(3) A list of professional development providers offering teacher training related to reading that emphasizes the essential components for successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read.

SECTION 11. The department of education shall submit a report to the education committees of the senate and the house of representative no later than September 1 of each year outlining the use of grant funds. The report shall also include comparisons of the overall costs and effectiveness of intervention programs. The annual report shall include recommendations for expanding or contracting the reading diagnostic and intervention grant program for the express purpose of improving reading literacy in grades kindergarten through three (K-3).

SECTION 12.

(a) The Tennessee council for literacy is hereby created for the purpose of advising the state board of education and the department of education concerning the implementation and administration of the reading diagnostic and intervention fund created under Section 6 of this act.

(b) The council shall be composed of thirteen (13) members including the commissioner of education or the commissioner's designee, the executive directors of

the literacy development centers created under Section 13 of this act, the executive director of the Tennessee higher education commission or the executive director's designee, and the following members, to be appointed by the governor:

(1) Four (4) elementary school teachers with a specialty or background in reading and literacy. These teachers shall be appointed so that both urban and rural LEAs are represented and each grand division of the state is represented;

(2) One (1) elementary school principal;

(3) Three (3) individuals from the state-at-large with an interest in reading and literacy.

In making appointments to the council, the governor shall strive to ensure that at least one (1) person appointed to the council is a member of a racial minority and at least one (1) person appointed to the council is female.

(c) Each member of the council, other than members who serve by virtue of their position, shall serve for a term of three (3) years or until a successor is appointed, except that upon initial appointment, two (2) members shall serve a one-year term, three (3) members shall serve a two-year term, and three (3) members shall serve a three-year term.

(d) A majority of the membership of the council shall constitute a quorum.

(e) The council shall elect, by majority vote, a chair from its members other than members who are executive directors of the literacy development centers. The chair shall be the presiding officer of the council and shall preside at all meetings, and coordinate the functions and activities of the council. The chair shall be elected or reelected each calendar year.

(f) The council shall be attached to the department of education for administrative purposes.

(g) The council shall:

(1) Identify needs, trends, and issues in schools throughout the state regarding reading and literacy programs;

(2) Make recommendations regarding the content of administrative regulations to be promulgated by the state board of education under Section 7 of this act;

(3) Recommend approval of grant applications based upon the provisions of Section 8 of this act and administrative regulations promulgated by the state board of education;

(4) Advise the state board of education and the department of education regarding costs and effectiveness of various reading intervention programs;

(5) Provide advice to the state board of education regarding the reading diagnostic and intervention grant program and in other matters relating to reading;

(6) Collaborate with public and private institutions of postsecondary education and adult education providers through the literacy development centers established under Section 13 of this act to provide for teachers and administrators quality preservice and professional development relating to reading diagnostic assessments and intervention and to the essential components of successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and the connections between writing and reading acquisition and motivation to read; and

(7) Evaluate the reading and literacy components of adult education programs.

(h) The council shall submit an annual report of its activities to the department of education, the governor, and education committees of the senate and the house of representatives no later than September 1 of each year.

SECTION 13.

(a) Three (3) literacy development centers shall be established to make available professional development for educators in reliable, replicable research-based reading

programs, and to promote literacy development, including cooperating with other entities that provide family literacy services. The centers shall be responsible for:

(1) Developing and implementing a clearinghouse for information about programs addressing reading and literacy from early childhood and the elementary grades through adult education;

(2) Collaborating with the department of education to assist LEAs with students functioning at low levels of reading skills to assess and address identified literacy needs;

(3) Providing professional development and coaching for early childhood educators and classroom teachers, including adult education teachers, implementing selected reliable, replicable research-based reading programs. The professional development shall utilize distance learning technology, including the University of Tennessee system and state university and community college system online learning systems, when appropriate;

(4) Developing and implementing a comprehensive research agenda evaluating the early reading models; and

(5) Establishing and maintaining demonstration and training sites for early literacy located at public universities with teacher training programs.

(b) With advice from the department of education, the Tennessee higher education commission shall develop a process to solicit, review, and approve proposals for locating the literacy development centers at public institutions of postsecondary education. There shall be a center located in each grand division of the state. At least one (1) center shall be at an institution of the University of Tennessee system and at least one (1) center shall be at an institution of the state university and community college system. The commission shall approve the locations. The Tennessee council for literacy, in conjunction with the commission, shall establish goals and performance objectives related to the functions of the literacy development centers.

(c) The Tennessee council for literacy shall coordinate the required research activities of the literacy development centers. The literacy development centers shall review national research and disseminate appropriate research abstracts, when appropriate, as well as conduct ongoing research of reading programs throughout the state. Research activities undertaken by the centers shall consist of descriptive as well as empirical studies.

(1) The centers, with the approval of the Tennessee council for literacy, may contract for research studies to be conducted on their behalf.

(2) The research agenda should, at a minimum, consider the impact of various reading and intervention programs:

(A) In eliminating academic achievement gaps among students with differing characteristics, including subpopulations of students with disabilities, students with low socioeconomic status, students from racial minority groups, students with limited English proficiency, and students of different gender;

(B) In schools with differing characteristics, such as urban versus rural schools, poverty versus nonpoverty schools, schools with strong library media center programs versus schools with weak library media center programs, and schools in different geographic regions of the state;

(C) In terms of their costs and effectiveness; and

(D) In maintaining positive student progress over a sustained period of time.

SECTION 14. The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it.

